

Hon. Marc Barreca
Chapter 11
Ex Parte

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

In re:

SAM A. ADAMS and ERIKA M. ADAMS,

Debtors.

NO. 14-15003-MLB

EX PARTE MOTION FOR ORDER
AUTHORIZING PROPERTY INSPECTION

Rodger and Lisa May (the “**Mays**”) are landlords of the Debtors with respect to the property located at 13245 Holmes Point Drive NE, Kirkland, WA 98034 (the “**Property**”). The Mays respectfully request, pursuant to 11 U.S.C. § 105(a), LBR 4001-1, LBR 9013-1(g), and the Washington Residential Landlord-Tenant Act (RCW Chapter 59.18) that this Court enter an order authorizing the Mays or their agent to inspect the Property and directing the Debtors to cooperate with said inspection. In support of this motion, the Mays, through undersigned counsel, submit as follows:

1. Debtors Sam A. and Erika M. Adams have rented the Property from the Mays since January 2013. Declaration of Lisa May (“**May Declaration**,” submitted concurrently herewith) ¶ 3.

2. The Washington Residential Landlord-Tenant Act (the “**Act**”) provides, in relevant part: “The tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises” RCW 58.18.150(1). The Act further

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1 provides that “the landlord shall give the tenant at least two days’ written notice of his or her
2 intent to enter and shall enter only at reasonable times” RCW 59.18.150(6).

3 3. As used in the Act, “landlord” means not only the owner or lessor of a dwelling
4 unit, but also “any person designated as representative of the owner [or] lessor” RCW
5 59.18.030(9).

6 4. The Mays desire that their designated representative, Robert Chamberlin, conduct
7 an inspection—and take photographs—of the interior and exterior of the Property for the
8 purposes of assessing the condition of the Property and obtaining an appraisal of the Property.
9 May Declaration ¶ 4. The Mays would share all photographs with the Debtors.

10 5. The Mays have previously attempted, through counsel, to schedule a mutually
11 agreeable time for an inspection, but these attempts have been unsuccessful. Declaration of
12 Jessica Tsao (“**Tsao Declaration**,” submitted concurrently herewith) ¶¶ 3-6. The Mays submit
13 that they have the right to inspect the Property upon two days’ notice to the Debtors pursuant to
14 the Act, but in an abundance of caution, the Mays seek a comfort order from this Court
15 authorizing the inspection and ordering the Debtors to cooperate.

16 6. The Mays submit that *ex parte* relief is warranted because: (a) the only other
17 parties likely to be interested in the subject of this motion are the Debtors; (b) the Debtors have
18 long been aware of the Mays desire to inspect the Property; and (c) the Mays’ counsel have
19 already put the Debtors’ counsel on notice of this motion and the date of the proposed inspection.
20 Tsao Declaration (submitted concurrently herewith) ¶¶ 3-7.

21 WHEREFORE, the Mays respectfully requests that the Court enter an order:

22 A. Granting this motion;

23 B. Authorizing the Mays and/or their agent to conduct an inspection—and take
24 photographs—of the interior and exterior of the Property on August 19, 2014 beginning at 10:30
25 a.m., with photographs to be shared with Debtors’ counsel;

26 C. Directing the Debtors to cooperate with the inspection and to allow the Mays

1 and/or their agent full access to the interior and exterior of the Property for a two-hour period
2 beginning at 10:30 a.m. on August 19, 2014; and

3 D. Granting such other and further relief as the Court deems appropriate.

4 DATED this 12th day of August, 2014.

5 CAIRNCROSS & HEMPELMANN, P.S.

6
7 /s/ John R. Rizzardi

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